

REMARKS

Entry of the foregoing amendment is respectfully requested. The Amendment is believed to place the application in condition for allowances and is, therefore, appropriate under Rule 116. The Amendment does not raise any new issues and, thus, does not require an additional search by the Examiner. The issues raised by the amended claim 10 are the same issues raised by the presently pending claims 2 and 10.

The Amendment was not earlier presented because applicant did not appreciate the grounds for rejection until they were set forth again in the final Office Action.

By the present amendment, claim 2 is canceled, and claims 3 and 10 are amended.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

The Examiner rejected claims 2 through 7 and claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Olvera, et al., U.S. Patent No. 5,897,045 in view of Lin, U.S. Patent No. 6,779,697 (Lin). Claim 8 was rejected as claims 1-7 above and further in view of Caringella, et al., U.S. Patent No. 6,761,299 (Caringella). It

is respectfully submitted that claims 3-8 and 10 are patentable over the combination set forth in the Office Action.

Specifically, claim 10 recites that the head piece (4) has at least two fixing positions relative to the rest of the drive-in device (2), i.e., the headpiece (4) is pivotable relative to the rest of the drive-in device (2).

It is noted that the pipe arrangement (6), which includes both the guide pipe (12) and the fall pipe (42), forms parts of the rest of the guide device (2). This means that the headpiece (4) is pivotable relative to the fall pipe. In both, Olvera and Lin the head piece is rotated together with the fall pipe.

In Olvera, the nose-piece 50 is fixedly secured to the tube 30 to which the feed tube 130 is also secured. (Fig. 1b, column 10, lines 9-16.)

In Lin, likewise the head piece is secured to the barrel 6, rotating therewith, i.e., with the fall pipe.

The *prima facie* case of obviousness requires that the prior art references teach or suggest all of the claim limitations. It is respectfully submitted that the combination of Olvera and Lin does not include all of limitation of claim 10 and would disclose that the head piece could have at least two positions relative to the fall pipe, as recited in claim 10 of instant application.

In view of the above, it is respectfully submitted that the combination of Olvera and Lin does not make the present invention, as defined by claim 10, obvious, and claim 10 is patentable over said combination.

Claims 3-8 depend on claim 10 and are allowable for the same reasons claim 10 is allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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